UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION III
1650 Arch Street
Philadelphia, Pennsylvania 19103-2029

Mr. James E. Sothen
Director, Engineering Division
WVDOT - Division of Highways
State Capitol Complex Building Five
Charleston, WV 25305

Re: Draft Environmental Impact Statement
King Coal Highway

Dear Mr. Sothen:

In accordance with the National Environmental Policy Act (NEPA), Section 309 of the Clean Air Act, and the Clean Water Act Section 404, EPA has reviewed the Draft Environmental Impact Statement (EIS) for the above referenced project. Based on our review, we have assigned a rating of EC-2 (environmental concerns, additional information required) due the potential impacts to streams, wetlands, and community resources, and the broad level of environmental impact information provided for the 96 mile, 1000 foot wide transportation corridor. We will outline our concerns and suggestions for the Final EIS in the following paragraphs.

Level of Environmental Analysis

EPA recognizes that the level of detail provided on the potential environmental impacts of the project was limited by the length of the proposed transportation corridor. We also recognize that as the right-of-way is identified (ROW) within the proposed corridor it will be more feasible to provide a specific evaluation of the potential environmental effects of the project, and provide an opportunity for the avoidance of a large number of the impacts identified in the Draft EIS. However, we are concerned that the identification of the ROW and a more detailed evaluation of the potential environmental impacts of the proposed highway will not occur until after the NEPA process has been completed. Once the NEPA process has been completed the opportunity for the public to comment on the impacts of the proposed project is closed. We suggest that coordination between the West Virginia Department of Highways, the Federal and State environmental agencies, and the public continue during the preliminary and final design of the project. In addition, we suggest that additional NEPA documentation be prepared if significant issues arise during the design process.

Aquatic Resources

As proposed the Preferred Alternative potentially impacts 25 miles of stream corridor. We recognize that the stream mileage impacted will be reduced by the narrowing of the study corridor from 1000' to an approximate 350' right-of -way. However, given the length of this project, we suggest that all efforts to avoid the relocation, enclosure, or filling of streams be undertaken. In cases where impacts are unavoidable we suggest that geomorphic techniques (such as Rosgen) for stream relocation and enhancement be employed. All compensatory measures should be clearly outlined in the Final EIS and a natural resources compensation plan. These mitigation measures should be tracked throughout the design and construction of the project.

In addition to avoidance of impacts to stream systems, we suggest that efforts to avoid and minimize impacts to wetlands be incorporated into the design of the proposed project. A discussion of the efforts to avoid and minimize wetland impacts should be provided for the Section 404 permit evaluation. Compensatory mitigation should be outlined in the Final EIS and tracked throughout the design of the project.

Community Resources

The Draft EIS provided little information on the potential impacts to community resources and community cohesion. Specifically, there was very little discussion of the potential impacts to the four cemeteries found in the Preferred Alternative Corridor. In fact, cemeteries were included under historic resources and not community facilities. We suggest that a discussion of how the DOH will avoid, minimize or mitigate impacts to the cemeteries be included in the Final EIS.

Other community resources were identified as potentially impacted. However, due to the large corridor sizes, details of the impacts were not given. We suggest that additional information be provided in the Final EIS including mitigation measures to be undertaken if any community resource is impacted. Likewise, we suggest that measure to mitigation any community cohesion impacts be discussed in the Final EIS.

Secondary and Cumulative Effects

EPA recognizes the concerns for economic development in the study area. We also recognize the potential for improved access to encourage additional development in the communities along the proposed facility. EPA would be happy to work with you to investigate ways to ensure that the future development in the region will occur in a manner that avoids the negative economic, social, and environmental impacts of uncontrolled growth.

Terrestrial Resources

The proposed alternative has the potential to impact over 9000 acres of forest habitat. We strongly suggest that you prepare a compensation plan for the replacement, enhancement or preservation of forest habitat in the region. From information provided in the Draft EIS, many previously strip mined areas could be targeted re-vegetation activities. In addition, high quality forested habitat threatened by development or mining could be acquired as compensation for the impacts of the proposed facility. This compensation, which can be funded with federal transportation funds, should be outlined in the Final EIS and in a natural resources compensation plan.

Natural Resources Compensation Plan and Tracking of Mitigation Commitments

We suggest that a plan for the compensation of all natural resources be prepared for the entire 96 mile corridor. This plan should include specific activities that will be taken to compensate or mitigate for the impacts of the highway. Efforts should consider integrating stream, wetland, and terrestrial mitigation in a manner which enhances the wildlife value of all the resources. This compensation plan will allow for the tracking of mitigation commitments.

In addition to compensatory mitigation, any commitments made to avoid or minimize impacts to natural resources such as streams or wetlands should be identified and tracked through the final design and construction processes. We suggest the use of a mitigation tracking system like the one utilized on the Mon Fayette Transportation Project in Pennsylvania.

Thank you for providing EPA with the opportunity to comment on this project. We look forward to working with you in the future to address our concerns. If you have any questions regarding our concerns, please contact Ms. Denise M. Rigney at (215) 814-2726.

Sincerely

Thomas Slenkamp, Deputy Director
Office of Environmental Programs